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FOR THE FIRST CIRCUIT

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NOTICE OF ADOPTION OF NEW LOCAL RULE 39.0

The United States Court of Appeals for the First Circuit previously provided notice of proposed adoption of new Local Rule 39.0 ("Taxation of Reproduction Costs"). Although the court solicited comments, no comments were received.

The Court of Appeals hereby provides notice of the adoption of the proposed rule. A copy of the new rule is attached. Current Local Rule 39.0 ("Fee Applications") has been re-numbered as Local Rule 39.1. These changes are effective immediately.

April 20, 2007

Richard Cushing Donovan

Local Rule 39.0. Taxation of Reproduction Costs

- (a) The maximum rate at which costs may be taxed shall be fixed from time to time by the clerk of the court of appeals. See Fed. R. App. P. 39(c). A schedule of Maximum Rates for Taxation of Costs is posted on the court's website at www.cal.uscourts.gov and is available by request to the clerk's office. Costs are taxed at the maximum rates set by the clerk or at the actual cost, whichever is lower.
- (b) Costs may be recovered for reproducing the following number of copies, unless the court directs filing of a different number:
 - (1) **Briefs.** Nine copies of each brief plus two for the filer and two for each unrepresented party and each separately represented party. See Local Rule 31.0(b).
 - (2) **Appendices.** Five copies of each appendix plus one for the filer and one for each unrepresented party and each separately represented party. See Local Rule 30.0(a).
- (c) Requests for taxation of costs must be made on the Bill of Costs form available on the court's website at www.cal.uscourts.gov and by request to the clerk's office, and must be accompanied by a vendor's itemized statement of charges, if applicable, or a statement by counsel if reproduction was performed in-house. Bills of costs must be filed in the clerk's office within fourteen days after judgment, even if a petition for rehearing or other post-judgment motion is filed. See Fed. R. App. P. 39(d)(1). Payment of costs should be made directly to the prevailing party or counsel, not to the clerk's office.